

REMARKS

The above-referenced application has been made subject to a requirement to restrict. The Examiner has taken the position that claims 1-13 (Group I), are drawn to a method for the inducible expression of a heterologus nucleic acid are classified in Class 435 subclasses 6 and 471; and Claims 14-19 (Group II) are said to be drawn to a host cells comprising a regulator gene, promoter and heterologus nucleic acid molecule, classified in Class 435 subclass 243.

The examiner suggests that groups I and II contain multiple inventions which is the product of methods drawn to different products produced by an enzymatic pathway. The examiner has required that Applicants elect a single invention which is the product of method drawn to one specific product to which the claims will be restricted.

Election of claims is required under 37 CFR 1.143

Accordingly Applicants hereby elect Group I encompassing Claims 1-13. Any further election is made with traverse. Applicants are unclear as to the Examiner's request for the election of an additional products produced by an enzymatic pathway. Claims 1-13 are drawn to a method for inducibly expressing a gene. That gene may be part of a biosynthetic pathway or it may not (see claims 4 and 5 for example where the gene is a reporter). Applicants submit that Group 1 contains only one invention and that no further inventions exist.

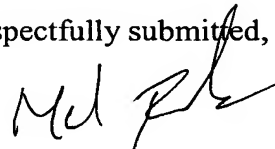
Please cancel claims 14-19 as drawn to a non-elected invention.

The above Election of Claims and species and cancellation of Claims does not alter the inventorship of the application.

Applicants reserve the right to file a divisional application to the non-elected matter. In making this election Applicants make no representations or admissions regarding the reasoning employed by the Examiner in support of the restriction.

Should there be any fee due in connection with the filing of this Response To Restriction Requirement please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,



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